

From: Richard Elder
Sent: Tuesday, June 12, 2012 6:10 PM
To: Angie Rutherford
Cc: stacey@tetonvalleyadvocates.org
Subject: How do you want your valley to grow?

Greetings:

I just received a brochure entitled "Teton Valley is Special" that is a perfect example of delusional thinking. You need not think that I am singling you out for criticism, because the assumptions voiced in the brochure are held almost universally by all Americans. And any seventh grade math student can prove them wrong.

Take a poll of politicians, economists (including Nobel Prize winners), CEO's of Fortune 500 corporations, carpenters and soccer moms, and ask them what they think the idea growth rate for the country is, and they will choose 3% as a minimum--- many will choose 5+%. Only "reasonable", because our debt-based economic and financial system will collapse when it ceases to grow---.

If Teton valley now has a population of 10,000 and grows at a rate of 3% per year in 23 years the population will be 20,000. In another 23 years it will be 40,000. In less than a century the valley would have 160,000 people. If it continued to grow at 3% in less than 400 years the original population of the Teton valley would have expanded to cover the entire surface of the earth.

"Anyone who believes exponential growth can go on forever in a finite world is either a madman or an economist" --Kenneth Boulding

The statement "Let's grow smarter" is purely delusional. Smarter than what---yeast? How about "lets become part of a sustainable ecosystem in the Teton Valley?"

The question that we should be asking is What kind of valley do we want to leave for our children and grandchildren and the moose, deer, elk, foxes, birds and animals we share it with? And how can we move it in that direction instead of waiting for the next cycle of collapse which is gathering steam around the world?

Richard Elder
Driggs

From: Chris Anthony
Sent: Thursday, June 14, 2012 9:20 AM
To: Angie Rutherford
Subject: let's grow smarter

Good day... I am in receipt of your mailer regarding "responsible growth".

Thank you for your work, my wife and I have relocated here permanently and made this our home for the last two years. We have a significant financial and emotional investment in Teton Valley and intend to live our lives here. We love Teton Valley, the people, the culture and the good and the bad. We are very committed to helping see the Valley grow in a responsible fashion. I like all that I've seen in the brochure and if we can help in any way please let me know.

Thanks Again,
Chris & Kathy Anthony
Victor, ID

From: rick sievers
Sent: Thursday, June 14, 2012 9:34 AM
To: Angie Rutherford
Subject: Comp Plan

Continue with plans to minimize sprawl and undeveloped subdivisions. It can only help with commuting time, traffic load and raising land prices ,while enhancing scenery and tourism .Overall making the valley worth more not less from all aspects and for all who live here. Thanks Rick Sievers

From: Missy Colyer [missybianeb@yahoo.com]
Sent: Thursday, June 14, 2012 8:20 PM
To: Angie Rutherford
Subject: Comp plan

Dear Planning & Zoning Commission,

I am writing you to ask that the following be incorporated into the comp plan:

- maintenance of cultural and scenic values
- protection for wildlife and natural resources
- guidance to maintain vibrant downtowns and smart future growth
- support for economic development of our community

Thank you for your consideration and good luck,

Missy Colyer

Tetonia, Idaho

From: Cavallaro,Rob
Sent: Thursday, June 14, 2012 8:37 PM
To: 'pzadmin@co.teton.id.us'
Cc: Schmidt,Steve; Meints,Daryl; Garren,Dan; 'tom.bassista@idfg.idaho.gov'; High,Brett; Atwood,Paul
Subject: Idaho Fish and Game Wildlife Summary for Teton County

Angie,

Attached is a document prepared by IDFG staff summarizing key fish and wildlife resources in Teton County. We prepared this per your recent request to have such a summary to use as a reference for the ongoing development of Teton County's Comprehensive Plan. Please contact Regional Supervisor, Steve Schmidt, if you have questions or require additional information. Thank you for considering fish and wildlife conservation in your planning efforts.

Regards,

Rob Cavallaro

Regional Wildlife Biologist, Idaho Department of Fish and Game

4279 Commerce Circle Idaho Falls, Idaho 83401

rob.cavallaro@idfg.idaho.gov

See separate document for IDFG comments

(208) 525-7290

Dear Planning & Zoning Commission:

Here's what I value about living in Teton Valley:

- open spaces with rural character
- small town feel
- quiet neighborhoods
- recreational opportunities - hiking, biking, skiing
- clean air, clean water

Debra Adams

Victor ID

X

Debra Adams

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

Keep up the good work. Continue to include all factions. Stay focused on the future. Talk to people with positive attitudes.

Richard Miller

X

Victor ID. 83455 Richard Miller

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Need Larger paper for Comments: We are being Run over!!
Dear Planning & Zoning Commission: The problem you have
is you are infringing on private owners
rights - The Right to own your own property.
Use all the public land for all of
this Comprehensive planning. We "love" our
land and will fight for it. To keep
Public from Taking our private land for
their enjoyment!!
LARRY & Charlot, Kunz

X Larry & Charlot Kunz
Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: THERE ARE SO MANY MODELS
OF VIBRANT COMMUNITIES IN THE ROCKY MT. WEST: MT. WEST, FT. BENTON,
MT. WHITEFISH, MT. RED LODGE, MT. LOGAN, CO. FRUITA, NV. BAKER, ID. STANLEY, ID. HAILEY
ID. LANDER / AND MODELS OF FAILING SOCIAL + ECONOMIC TOWNS:
ID. CHALLIS, WY. PINEDALE, ID. SODA SPRINGS, BUTTE MT, TONOPAH NV, ANACONDA MT,
LOLO MT, ISLAND PK ID. THE DIFFERENCE IN EVERY CASE -
PLANNING OR LACK THERE OF.

NEIL GLEICHMAN

X DRIGGS ID 83422
Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: I do NOT Advocate
Tearing up Good Farm Ground, For
Housing Development. There has
been too much of that already.
Some day we are going to need some
thing To EAT + Fuel To Keep Warm.

Murel Kay

Tetonia, Ida

X

Murel Kay

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: Economic Development, open spaces
& the local lifestyle are values that work in connection with
one another provided a sound comprehensive plan is in place.
Without it, we all lose. I would also like to see the area have
cultural events and attractions that are unique to the area.
Let's put TV on the map for its outstanding vision in growth
and make its values an attraction to all who visit. We're 'Thank's'.

Joe Tyler,

Tetonia, Idaho

83452

X

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

Support mom/pop businesses like Corner Drug but still bring bigger stores to the Valley. Prepare people of County for earthquakes, blizzards, wild fire etc. Depression is rampant: start support groups, my name etc. Sarah Thiel - Driggs ID 834122

X Sarah Thiel

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: My husband and I live in Alta and consider Teton Valley ID to be our community. The Comp Plan process has been lengthy and inclusive. The committees were diverse and worked hard. Please don't "water down" what has been drafted. I support meaningful open space, scenic values, vibrant downtowns, cost-effective development decisions, and incentives for farmers to keep land rural but plan for future. Alta Nancy Siverd, WY 83414

X Nancy Siverd

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

BE MORE BUSINESS FRIENDLY!

PAUL J. RAUBK JR.

X

Paul J. Raubk Jr.

Signature is required - print your name & address also to be sure that the county will recognize your comments.

When do you live here?

Dear Planning & Zoning Commission: Please do not be influenced by self serving people who obviously do not have enough to do that they join VARD and come up with proposals that totally ignore the agricultural community with wonderful phrases like "vibrant community, abundant wildlife, etc." we have problems (ignored) by this group.

HARRY NIENDORT

X

Harry Niendorf

PS: LG

Signature is required - print your name & address also to be sure that the county will recognize your comments.

- | | | | | |
|--|--|--|---|--|
| <input type="checkbox"/> meaningful open space and rural character | <input type="checkbox"/> recreation access and opportunities | <input type="checkbox"/> vibrant towns | <input type="checkbox"/> abundant fish & wildlife | <input type="checkbox"/> quality place to raise a family |
| <p>NONE of Above
I didn't move here, I started here.</p> | | | | |

6/12 Comments from Caroline Reynolds

the vast majority of the community can accept and support. The intent of this Plan is to achieve this goal.

The current comprehensive plan, "Teton County Comprehensive Plan: A Guide for Development 2004-2010," was laden with controversy since its adoption. The Plan has contradictions within itself and most would argue that while it might claim to protect the rural character of the valley, it has not been effective in doing so. The previous Plan was based on projections through 2010. This date has passed and conditions on the ground have changed so drastically since the Plan's adoption in 2004 that it is no longer a relevant document. This new Plan will be a living document that is able to be adapted and modified to fit changing circumstances while holding true to the community's vision.

Like a business, a community needs a plan for its future. Before a new business opens, its owner will create a business plan that identifies major sectors of the business and a plan for how the business will eventually make money. The business plan usually includes a mission statement and often lists specific goals and objectives in order to accomplish that mission. Likewise, a community needs a vision for itself and a plan for how it will achieve that vision. That is the purpose of the Comprehensive Plan. It is a guiding document upon which all governmental community actions should be based. This is necessary to avoid decisions that negatively affect the entire community and individual properties.

Idaho State Statute 67-6508 mandates that every community adopt and ^{not in statute} regularly update a plan: "It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan." The Local Land Use Policy Act (LLUPA) recognizes the importance of a visioning process to planning for a community's future. Although this Plan does not follow the exact format or order shown in LLUPA, all required components are included.

Rights associated with private property have been compared to a bundle of sticks where each stick represents an individual right that can be separated from the bundle and reassembled. Some of the represented rights within the "bundle" are mineral resources, air rights, the ability to sell, lease, mortgage, donate, grant easements, use and exclude. Property rights are not absolute, however, and they do not allow uses that unreasonably interfere with the property rights of others or interfere with public health, safety, or general welfare.

Providing a balance between the bundle of private and public property rights is a challenge for most communities, and Teton Valley is no exception. A good local example of the need to balance the rights that a property owner enjoys with their responsibility to their neighbor is the "noxious weed problem." Public comments indicate that the larger community opposes the spread of noxious weeds and that the burden of weed control falls on individual property owners. This is a clear example where community control over the spread of noxious weeds overrides the right of an individual landowner to keep their property in an unmaintained state.

It seems that there are other areas of agreement in Teton Valley where regulations make sense given the context. For example, many agree that the adequate delivery of roads and utility services by a developer usually enhances surrounding property values and can reduce the burden to the County and individual taxpayers. The same may be said for land use and subdivision regulations protecting basic community health and safety such as those enacted to improve surface and groundwater quality, provide safe and well-maintained roads, control noise, and avoid health concerns.

In fact, the County has a responsibility to regulate land use in order to promote the health, safety and general welfare of the public. Many oppose regulations or zone changes that could reduce the development potential of their property due to a perceived decrease in property value. However, the value of real property is largely due to factors external to the property lines. In fact, the popular cliché that the "three most important things in real estate

still oppose this
map-making. There are
opposing arguments
not presented here.

"the location, location and location" speaks to the fact that the context within which a piece of land exists is the most important aspect of value. Regulations that maintain view corridors, protect natural resources, preserve rural character or prohibit incompatible development protect this context.

The table below breaks down some of the rights in the bundle associated with private property and lists the party that typically holds the right, although many rights can be transferred between parties.

Chapter 5. The Framework Plan

The Framework Plan for Teton County sets the stage for future growth that is consistent with the Vision of the community. This includes directing development towards existing population centers, preserving the rural character and scenic vistas of the valley that help drive the economy, and establishing the financial stability of the public and private sectors so that high quality services and facilities can be provided. The Framework Plan includes a map that outlines projected land uses and amenities as well as a set of goals and policies that support and accompany the map.

THE FRAMEWORK MAP

The Framework Map shows projected land uses and amenities and is the physical embodiment of our Vision. It depicts a valley bisected by the Teton River flowing freely through the valley bottom and surrounded by majestic Teton, Snake River and Big Hole mountain ranges. The community lives primarily on the eastern side of the river with access to services, jobs and cities. The eastern side of the valley includes a variety of neighborhoods providing a range of housing options for residents. This side of the valley also includes foothills, wildlife habitat and crucial water resources. The majority of future residents will live near the Valley's cultural hearts of Driggs, Victor and Teton. The western slope, valley floor, and northern plains are home to rural areas including lower density residential areas, agricultural areas, river valleys, wildlife habitat and foothills.

The Plan proposes efficient and logical growth patterns. A variety of land use areas protect the Valley's character and provide guidance and incentives for appropriate development types. The Plan projects a future where development is directed towards existing population centers in order to preserve the rural character and scenic valley vistas that drive our economy and quality of life.

The Valley will have a perimeter trail that rivals the best system in the nation if the proposed Plan and Vision for the County is achieved. Pathway connections along old railroad beds and existing roads continue to the Teton River, completing the network. The road system is anchored by formalized gateways and flanked by scenic viewsheds. Our scenic vista protection is centered along Highways 33, 32, 31 and Ski Hill Road - the primary transportation routes through the Valley. Although we sit in the heart of the mountains, we are served by a multimodal road and pathway system that connects towns, Grand Targhee Resort, Idaho Falls and Jackson.

LAND USES

Desired future land uses for Teton County have either a rural or neighborhood character generally dictated by physical features and proximity to existing services. The valley is bounded by the Teton Range on the east, the Big Hole Mountains on the west, the Snake River Range on the south and is divided by the Teton River which runs from the south to the north. The Teton River starts as a shallow, slowly moving creek running through wetlands on the southern end and exits Teton County as a rapidly moving, rocky river running through a deep canyon on the northern end of the valley. These physical features divide the County into a western slope, eastern slope, valley floor, rolling hills and northern canyon rim. Land uses can be further characterized based on proximity to community services, availability of public water and sewer systems and established land uses.

Neighborhoods

In general, the areas proximate to the cities of Victor, Driggs and Teton are designated as "neighborhood" areas. Due to the availability of services and established land use patterns, these areas are appropriate for varying degrees of residential, commercial, and light industrial development that define the edge between "town and country."

Town Neighborhood: Town Neighborhoods are located within the area of impact and immediately adjacent to the cities of Victor, Driggs and Teton. These areas have readily available electric, phone and other dry utilities as well as public water and sewer services. The unincorporated town of Felt is also considered a Town Neighborhood area although public water and sewer service is not available. In general, further development and densification of Felt is

Comment [326]: Comment to only use "low", "medium" and "high" for density descriptions. Also comment to remove all descriptions for density and just identify use. Other comments that many levels of density descriptions (and more detailed descriptions) need to be included so all areas are not the same.

Because the Rural Agriculture areas are located far from existing towns, public water and sewer services are not available. Desired future character and land uses for the Rural Agriculture areas include:

Agriculture

Ranching

Low-density residential, with provisions for clustering/conservation developments to protect natural resources or rural character

Conservation and wildlife habitat enhancement

Fixed Agriculture / Wetland: Mixed Agriculture Wetland areas are located immediately east of the Teton River on the valley floor and include lands that are classified as wetlands and floodplains as shown on the U.S. Fish and Wildlife Service Wetland Inventory and the Federal Emergency Management Agency Flood Insurance Rate Map. These areas have some wildlife resources, are predominately rangeland and agriculture land, and have high scenic qualities. Desired future character and land uses include:

Agriculture

Ranching

Low density residential development, with provisions for clustering/conservation development to protect natural resources

- Conservation and wildlife habitat enhancement
- Development limited by all applicable County, State and Federal regulations including U.S. Army Corps of Engineers (USACE) wetland regulations and County floodplain development regulations
- Development limited by overlays and development guidelines to protect natural resources

Mixed Agriculture / Rural Neighborhood: Mixed Agriculture / Rural Neighborhood areas are located south of Driggs and east of Highway 33. These areas are predominately rangeland and agriculture land and have high scenic qualities. The area along the highway south of Driggs provides a visual separation and distinct edge between the city and the more rural area to the south. Desired future character and land uses include:

• Agriculture

• Ranching

• Medium-low density residential, with provisions for clustering/conservation development to preserve views

• Conservation and wildlife habitat enhancement

Foothills: The Foothills are located on the eastern slope of the Big Hole Mountains, the western slope of the Teton Range and the northern slope of the Snake River Range. These areas have rolling or steep topography and harsh wind and weather or are in the wildland/urban interface area. The boundaries of the Foothills areas were generally defined by the toe of the mountain slopes and the edge of heavy forest or vegetation. Due to their proximity to the forested public lands, these areas have high wildfire hazard and wildlife value. Some access to adjacent public land exists and the area is highly visible from the valley floor. Due to their remote location, public water and sewer service is not available in the Foothills. Desired future character and land uses include:

- Low residential densities with provision for clustering/conservation development
- Residential development clustered to respect topography
- Access points to public lands
- Conservation and wildlife habitat enhancement
- Wildland-Urban interface
- Development limited by overlays and development guidelines to protect natural resources

not supported by its residents; however, the desire for a small public park and decreased speed limits were voiced by many. Town Neighborhoods currently include a mix of developed and undeveloped property and have easy access via automobile, bicycle or pedestrian access to town services and amenities. Desired future character and land uses for Town Neighborhoods include:

- The highest level of residential density outside of the Cities
- Residential densities lower than the adjacent Cities and that meet the intent of City future land uses within their Areas of Impact
- A variety of housing types, including attached housing and possibility of live-work units in strategic locations
- Parks, greenways, and neighborhood amenities
- Safe and convenient street and pathway connections to towns
- Pedestrian amenities and complete streets
- Limited neighborhood commercial

Industrial/Research/Live-Work: These areas are located within the Town Neighborhoods or adjacent to the Towns and have low visibility from the scenic corridor and tourist centers. Most of these areas are currently undeveloped and utility services are available. Desired future character and land uses for Industrial/Research/Live-Work areas include:

- Light industrial
- Heavy industrial
- Cottage industries
- Business development centers
- Live-work units and workforce residential housing
- Safe and convenient street and pathway connections to towns
- Well maintained roadway connections to highways

Rural Neighborhood: Rural Neighborhoods are located north of Driggs and Victor along Highway 33. These areas currently include a mix of developed residential subdivisions, undeveloped residential lots, and some commercial and light industrial development. There is limited road connectivity within these areas and most vehicle traffic is directed to the highway. Very little pedestrian and bicycle infrastructure is in place. Desired future character and land uses for the Rural Neighborhoods include:

- A transitional character with residential densities in between that of Town Neighborhoods and Rural Areas
- Medium density single family neighborhoods with large open spaces
- Clustered, amenity-based neighborhoods
- Safe and convenient street and pathway connections within these areas and to Towns

Rural Areas

The western slope, valley floor, and the northern plains are classified as "rural". These areas are located further from the towns or in places of greater sensitivity. Much of this land is in agricultural production or includes undeveloped parcels of native vegetation that supports wildlife. Although some medium to high density residential subdivisions exist in the rural areas, they are for the most part currently undeveloped. These areas may be appropriate for sensitively designed conservation developments, continued agricultural use, or conservation areas.

Rural Agriculture: Rural Agriculture areas are located on the north and western sides of the valley and include the most productive agricultural land due to soils present. Some lands are better agriculture ground than others due to microclimates. Much of this area, especially the land located on the western side, is important wildlife habitat.

Waterway Corridors: Waterway Corridors include the land adjacent to the Teton River and its major tributaries. These areas include the riparian areas, wildlife habitat, wetlands and floodplains associated with the streams and are important fish and wildlife habitats. Public access to the Teton River is currently available in limited locations. The majority of the existing parcels in this area are large, although there are a few older, developed subdivisions along the Teton River. Public water and sewer service is not available. Desired future character and land uses include:

- Agriculture
- The lowest residential density in the County
- Conservation and wildlife habitat enhancement
- Development limited by all applicable County, State and Federal regulations including USACE wetland regulations and County floodplain development regulations
- Scenic quality preservation
- Public access points for river recreation
- Overlays and development guidelines to protect natural resources
- Little to no (or very limited) commercial activity

SCENIC CORRIDOR

The unsurpassed scenic quality of Teton Valley is a great asset and should be maintained to benefit the local business economy, the tourism industry and the quality of life for residents. The scenic corridor is shown along Highways 33, 32, 31 and Ski Hill Road, which are the primary transportation routes through the Valley. The area within the scenic corridor can be developed in accordance with the underlying zoning, but building and site design will need to meet high standards of visual quality in order to maintain the scenic character of the area and protect the viewshed from the scenic corridor. Buildings that are part of our agricultural industry and designs that pay tribute to our agricultural heritage are desired in the scenic corridor. The intensity of use within the scenic corridor could be defined in overlay areas within the corridor. An attractive scenic corridor can improve visitor experience and increase economic development by attracting businesses and tourists.

Comment [J27]: More description of uses allowed?

Comment [J28]: Require large setbacks?

GATEWAYS

Well planned gateways provide visitors with a positive first impression of Teton Valley and help define the area as distinct and unique. Gateways are located along Highways 33, 32, 31 and Ski Hill Road in locations where natural physical features emphasize the sense of arrival. Constructed features at the gateways could include signage, scenic overlooks, rest areas, visitor information and wayfinding information such as maps of tourist destinations and points of interest.

AMENITIES

The Framework Map shows approximate locations for amenities that will maintain and enhance recreational opportunities and enhance the quality of life in Teton Valley. Amenities are very important for economic development because they entice entrepreneurs, business owners, skilled workers, retirees, and young families to relocate and remain here, bringing with them their businesses, skills and wealth. People do not choose to live and open a business here because it is easy. Instead they are attracted to the community because of its friendly people, natural resources, and recreational opportunities which make it a "lifestyle" community. They come to enjoy all that the valley has to offer from motorized and non-motorized trail systems; outstanding hunting and fishing; excellent snowmobiling and skiing; quiet and scenic rivers; and beautiful vistas of one of the most majestic mountain ranges in the world. Future economic growth relies heavily on these amenities.

Amenities shown on the Framework Map include:

- Recreational Trails and Pathways (Rail Trail, Scenic Bike Route, Perimeter Trail)

Policies

- 4.1 Establish review criteria and process for evaluating transportation improvements.
- 4.2 Encourage pedestrian connectivity in appropriate areas.
- 4.3 Coordinate and integrate land use and transportation planning and development to ensure that they mutually support overall community goals.
 - 4.3.1.1 The County will plan its future transportation system to complement and encourage development patterns designated on the Framework Map. *by zoning ordinances*
- 4.4 Develop access management policies for future development (for both state highways and rural county roads).

Comp. Plan and associated maps are not law

Goal T 5: Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs.

Policies

- 5.1. Support implementation of the 2011 Driggs Memorial Airport Master Plan and updates, as adopted, to ensure that the airport can meet projected needs.

natural resources + outdoor recreation

Goal NROR 1: Conserve ~~our~~ public lands and natural resources (air, water, wildlife, ~~and~~ ^{and/or} ~~fisheries~~ ^{species}, ~~climate~~ ^{native plant}, trail systems, wetlands, dark skies, soundscape, soils, open space, native vegetation).

Comment [3214]: Delete?

Policies

- 1.1 Create benchmarks for monitoring and conserving natural resources.
- 1.2 Conserve and enhance ~~biodiversity and~~ native ecosystems ^{habitats}.
- 1.3 Regularly update all natural and scenic resource inventories, to assess the incremental impacts of development on the resource and as a basis for regulatory amendments, as necessary.
- 1.4 Work with municipalities and public water systems to ensure safe and adequate drinking water.
- 1.5 Ensure adequate wastewater treatment.
- 1.6 Encourage the conservation of high water quality in rivers and streams.

none of these policies impacts climate

Goal NROR 2: Enhance and preserve our access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.

Policies

- 2.1 Maintain and improve existing public land and river access.
- 2.2 Support the creation of new public land access when it's consistent with natural resource conservation goals.
- 2.3 Support the creation of a County winter travel plan which includes access points.
- 2.4 Consider and accommodate access for different user groups to minimize user conflict and resource damage.
- 2.5 Seek cooperation of private landowners to improve accessibility to adjacent public lands.
- 2.6 Work with state and federal agencies and private land owners to protect environmentally-sensitive areas from resource degradation.

Goal NROR 3: Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, hunting, trail users, equestrians, boating, non-motorized flight) as a means for economic development and enhanced quality of life.

Comment [J215]: Add "shooting"

Policies

- 3.1 Enhance and improve all season access to public lands and waterways, except where necessary to protect areas from environmental degradation, negative impact to wildlife habitat, or to protect public safety.
- 3.2 Recognize the need to accommodate different user groups in a way that minimizes user conflicts and resource damage.
- 3.3 Support a diversity of recreation as a mechanism to bring together community and build acceptance of diverse lifestyles.
- 3.4 Collaborate with Federal, State, and non-governmental agencies to improve recreational opportunities.
- 3.5 Establish mechanisms for funding recreation improvements. Opportunities may include:
 - 3.5.1 Creation of a Recreation District which is self-supporting, revenue generating, job creating, and which is funded through such sources as user fees, program fees, lodging taxes, grants, donations, etc.;
 - 3.5.2 Grants; or
 - 3.5.3 Trusts or endowments.

Comment [J216]: Property taxes, household fees,

Goal NROR 4: Balance private property rights and protection of our natural resources.

Policies

- 4.1 Ensure that development regulations balance natural resources protection and growth, are clear and predictable, and preserve the economic value of the land.

Goal NROR 5: Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires.

Policies

- 5.1. Ensure that regulations minimize the detrimental effects of natural hazards and their inherent risks.

Policies

- 7.1. Allow only low-impact activities in sensitive resource areas and higher impact activities in resource areas of less sensitivity.
- 7.2. Consider seasonal use restrictions to protect natural resources while allowing access at appropriate times.
- 7.3. Encourage siting structural improvements in areas that will result in the least amount of natural resource impact.

Goal NROR 8: Respect sensitive habitat and migration areas for wildlife.

Policies

- 8.1 Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide.
- 8.2 Work with landowners, the Idaho Department of Fish and Game, other state and federal agencies, non-governmental organizations, and other natural resources professionals to utilize wildlife habitat and species information and other tools (such as Western Governors Association Crucial Habitat Assessment Tool and the Wildlife Overlay Map), including new information as it becomes available, to make land use and site planning decisions.
- 8.3 *Minimize the cumulative impacts of development on wildlife and wildlife habitat.*
- 8.4 *Protect and/or improve the diversity of native vegetation.*
- 8.5 *Protect and improve riparian and aquatic habitats.*
- 8.6 *A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat or which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Subdivision Ordinance and shall be the basis for approval of the plan.*
- 8.7 *Provide incentives for voluntary habitat buffers, seasonal use restrictions, and aquatic connectivity along key drainages.*
- 8.8 *Work collaboratively with other jurisdictions to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.*
- 8.9 *Designate and map lands within or buffering Teton River Canyon as an irreplaceable natural area, and work with private landowners and government agencies to protect and conserve the area's ecological resources, including wintering big game and cutthroat trout.*

community events + facilities

Goal CEF 1: Provide high-quality public and private services and facilities in a coordinated manner for the health, ^{safety}, and enjoyment of the community.

Comment [J217]: Comment that need to address outdoor lighting as public safety issue. Also dark sky compliant.

Policies

1. Encourage locating new facilities in existing population centers to maximize efficiency and convenience and minimize costs.
2. Develop Master Plans for Recreation, Community Facilities, and other Public Services that coordinate and include all providers and users.
3. Encourage partnerships and working relationships with non-profit groups in order to expand services and facilities.
4. Reserve locations on the Framework Map for new facilities in accordance with the planned areas of growth and build these new facilities when the demand ^{exists}.
5. Maintain a 20-year capital facilities program with 5 year reviews that sets priorities for constructing necessary facilities which are consistent with the Comprehensive Plan. ^{demand and}
6. Identify acceptable Levels of Service (LOS), create LOS plans, and develop standards for measuring service delivery success for fire/BMS, law enforcement, utilities/infrastructure, transportation, weed management, medical care, schools, libraries, parks, solid waste, and other recreational facilities.
7. Require the undergrounding of electrical and other facilities where feasible in order to preserve the County's scenic views.

Comment [J218]: and funding

Goal CEF 2: Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages.

Policies

- 2.1. Encourage expansion and development of the pre-K through post secondary education system.
- 2.2. Encourage the siting of new schools near existing neighborhood centers to promote walkability.
- 2.3. Encourage the Idaho State Legislature to change the State educational allocation formula so as to provide adequate funding for public education.
- 2.4. Provide incentives for new developments to create and/or enhance community amenities.

Encourage private

- 2.5. ~~Support the construction of a multi-use recreation facility or network of facilities (pool, gym, climbing wall, bowling alley, indoor riding arena, indoor shooting range, etc.) when financially feasible and in accordance with the Recreation Master Plan.~~
- 2.6. Encourage expansion and development of community libraries.

Goal CEF 3: Encourage an environment that fosters community involvement.

Policies

- 3.1. Find common ground by identifying shared values and priorities and acknowledging differences respectfully.
- 3.2. Support events and activities that bring diverse segments of the community together.
- 3.3. Encourage open communication among community organizations to minimize scheduling conflicts.

Goal CEF 4: Adequately fund existing and future public services and facilities.

Policies *Provide tax incentives for private development of*

- 4.1. ~~Seek funding options (e.g., Recreation District, grants, private donations) to develop and support affordable facilities and activities for all ages (e.g., Recreation Center, 4-H, etc.).~~
- 4.2. Seek funding options to acquire land for future public services and facilities. *contributes to*
- 4.3. Maintain up-to-date County impact fees which ensure that growth ~~pays its fair share~~ of the costs of necessary facilities and services.
- 4.4. ~~Support programs and partnerships that reduce costs for the County (e.g., recycling, co-locating facilities, and sharing resources).~~ *encourage and support where feasible*
- 4.5. New development shall be approved only when adequate public facilities and services are available, or when necessary improvements will be made as part of the development project.

agriculture + rural heritage

Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.

Policies

- 1.1. Ensure that planned growth maintains Teton Valley's rural character.
 - 1.2. Allow vacation of subdivision plats where appropriate and viable.
 - 1.3. Ensure that open spaces are managed responsibly. *in accordance to existing regs.*
 - 1.4. Maintain the County's rural heritage through the scenic corridors.
 - 1.5. *Encourage and where feasible support* Support the preservation of open space, farmland, natural beauty, and critical environmental areas.
 - 1.6. Encourage higher density development in and around existing Cities (Driggs, Victor, and Tetonía).
-

Goal ARH 2: Balance property rights and rural character.

Policies

- 2.1. Develop a means to compensate private property owners for large parcels of open space that benefit the community. Funding options include:
 - 2.1.1. Transfer of development rights program in cooperation with the cities of Victor, Driggs, and Tetonía;
 - 2.1.2. *acquisition of* Acquire conservation easements through purchase, lease or voluntary donation;
 - 2.1.3. Establish a program to fund the acquisition of open space through voluntary open space fees.
 - 2.2. Provide a means for transfer of agricultural land to family members. *define*
 - 2.3. Incentivize maintaining or creating large parcels.
-

Comment [J219]: Other methods.

Goal ARH 3: Support and enhance agriculture and ranching.

Policies

- 3.1. Recognize the Right to Farm Act.
- 3.2. Improve and maintain roads important for agricultural production and transportation.
- 3.3. *Encourage* Support local food production outlets such as Farmer's Markets and encourage local agriculture production.

Chapter 6. Implementation

Teton Valley's Vision, Framework and Policies inspire us to take action. The test of this Plan is not whether it turns out to portray the future accurately, but whether it allows the County to learn, adapt and implement new actions and tools in response to alternative future conditions. This Implementation Plan examines where we are now, where we want to go, what tools are available, and key actions to attain our desired goals, even with an uncertain future. This chapter stresses flexibility and adaptability, while encouraging bold moves that will have the greatest beneficial impact on our Valley.

KEY ECONOMIC IMPLICATIONS TO PLANNING POLICIES

The Comprehensive Plan has several major concepts aimed at improving the overall quality of life, attractiveness, and economic competitiveness of the community. From an economic perspective, all of the proposed policies and investments would help Teton Valley compete for economic and residential growth. A summary of the economic implications of key policies and investments is provided in the following five sections and is based on each of the Plan Components: Economic Development, Transportation, Natural Resources + Outdoor Recreation, Community Events + Facilities, and Agricultural + Rural Heritage. The economic recommendations have informed the development of specific implementation actions.

One key economic response to Teton Valley's present challenges is to build on the area's attributes - high scenic quality, natural habitat and resources, recreational opportunities and rural character - by investing in quality-of-life amenities that will attract new industries. This is because Teton Valley's success in economic development, especially in future research and development and other related industries, is tied to its ability to attract and retain highly educated professional employees and entrepreneurs. As other sectors of the economy become more dependent on technology and knowledge, attracting and retaining these skilled employees will become increasingly important.

Quality of life has a broad meaning in community planning and economic development. It refers to the livability of an area as defined by numerous community characteristics and indicators such as public safety, quality of educational opportunities, entertainment and cultural amenities, as well as environmental quality and access to open space, parks, and recreation opportunities. While the value of quality-of-life is not typically quantified, high quality-of-life correlates with positive economic growth.

A growing body of academic and economic development research links quality-of-life and community amenities to economic success and sustainability. Many rural areas in the U.S. are transitioning from natural resource-based economies, as is the case in Teton County, towards more knowledge-based industries and 'footloose industries' whose profits are not tied to their locations. These industries rely less on access to raw materials, heavy infrastructure, and energy supplies and more on skilled labor. As a result, attracting a skilled and talented labor pool is the key to economic development for knowledge-based industries.

"highly educated" was removed from what was P. 6-8. Suggest if he deleted here, as well.

Quality-of-life investments have also been shown to have a positive impact on residential and commercial real estate values. Research shows that proximity to open space, parks, and vibrant commercial areas increases property values. Having these amenities close to workplaces can also increase worker productivity and satisfaction. While these investments have a fiscal cost to the community and its residents, the cost of not maintaining quality-of-life may result in an even greater cost in reduced economic competitiveness.

ECONOMIC DEVELOPMENT

Footloose, Knowledge-Based Industries

Certain service and financial industry sectors do not need to be located close to markets or need distribution modes. These sectors or large firms rely primarily on telecommunications and internet facilities to conduct business. There are many examples of major service sectors that locate where they prefer to live for lifestyle purposes.

In Idaho, Power Engineers is a major consulting engineering firm that is located in Hailey purely for the lifestyle of the Big Wood Valley (Sun Valley). Their business takes their consultants and engineers around the world. Another example is CityPASS, which illustrates the ability to attract footloose, knowledge-based industries to Teton Valley. With headquarters in Victor, CityPASS has 27 employees that produce and sell travel booklets containing tickets to attractions in North America. CityPASS has successfully attracted employees to Teton Valley by virtue of its lifestyle and quality-of-life attributes.

Sectors that could be considered footloose and knowledge-based could include insurance, financial services and web-based businesses that do not require physical shipping.

Locally-Owned and Operated Businesses

Locally-owned and operated businesses are important for a number of reasons. They maximize economic impact on the local economy because profits are kept in the local area rather than siphoned off to a parent company. This helps support other sectors of the local economy. Local businesses also have a stronger affinity for the local community and tend to be more supportive of civic causes, local charities, local events and other aspects of local participation. Local business owners tend to support each other and they engender the support of the local population.

Industry Clusters

Creation of Industry Clusters is one of a number of strategies that could lead to sustainable industrial development and is a very helpful tool towards implementation of Teton Valley's economic goals. The concept would entail attraction of environmentally friendly technologies, value added agriculture, recreational technologies, or visitor oriented businesses to congregate together in a mutually supportive manner to create an industry cluster. Depending on the industry, this concept depends on transportation infrastructure including the Idaho Falls and Jackson Hole airports, access to Interstate highways for product distribution, and linkages to educational institutions such as Boise State, Eastern Idaho Technical College or Idaho State University. Examples of green environmentally friendly technologies might include research, development and production of photovoltaic technologies, wind turbines, battery technology, environmental mitigation technologies and other environmentally friendly businesses. Value added agriculture industries might include organic produce or locally branded produce or products. A recreational technology example currently operating in the Valley is 22 Designs which manufactures telemark ski bindings. A recreational technology cluster could also include outdoor sportswear, sunglasses, ski goggles, or other outdoor equipment manufacturers that commonly seek out lifestyle communities. A visitor oriented business cluster could include hotels, restaurants and retail stores.

Quality-of-life would be a critical factor in attracting or developing these types of businesses and their employees. Being successful in this type of venture will require overcoming location disadvantages Teton County has, such as proximity to markets, distribution and shipping. Establishing and promoting this concept would require a concerted effort on the part of government and economic development entities.

TRANSPORTATION

If this is not deleted, it must be defined
do you really know that waste streams from these businesses (industries) are "environmentally friendly?"

Transportation is important to every economy regardless of size. Teton County is linked to other cities via highways and nearby airports. Enhancements to the infrastructure and public transportation services will enhance quality-of-life, facilitate tourism and support the economy. Well maintained roads are especially important for the distribution of agricultural products out of the Valley.

Transportation as an Amenity

While transportation is a critical underpinning of the economy, it can also enhance quality-of-life and facilitate tourism. Transportation systems can act as an amenity when they are perceived as an experience or a 'ride'. Western examples of this might include the Napa Wine Train, the Durango to Silverton railway, open roof buses, and the San Francisco cable cars. While large systems are capital intensive and almost always require government subsidy to operate, there are smaller scale options that might be appropriate for Teton County such as local sightseeing buses. These types of services could be owned and operated by local businesses and would be expected to be economically viable without government support.

Transit

The issue of public transit is important to Teton Valley, as a sizeable portion of the population commutes to Jackson. Limited bus service to Jackson is currently being provided by START, but wider public transit service will require public subsidy, especially given the dispersed and low density character of residential development in the county. A looping bus route connecting the transit hub that services Jackson would reduce motor vehicle trips and enhance citizens' quality-of-life by reducing vehicle fuel and operating costs, reduce emissions and provide a safer alternative during inclement weather. The amount of transit expenditure that stays within the area is estimated to be between 60 to 75%.

Comment [J220]: Rexburg and Idaho Falls.

Additional private bus and shuttle services could be encouraged to connect hotels with the ski resort or to connect Driggs and Victor to the Idaho Falls, Jackson and Salt Lake City airports. Efficient public transit can enhance tourism to the area by providing reliable shuttles between popular areas and eliminating the need for car rentals by tourists.

Interconnected Pathway System

Trail and pathway systems are consistently cited as the most desired amenity in master planned residential communities. Interconnected trail and pathway systems on a larger scale can greatly enhance quality-of-life and can reduce motor vehicle trips by encouraging bicycle trips. This can have a positive environmental impact and can improve public health. Communities that have invested in bicycle and pedestrian infrastructure have experienced positive economic impacts by attracting bicycle industry dollars. For example, Jackson, Wyoming has spent an estimated \$1.7 million over the past decade on area trail systems and, in return, has benefited from an estimated \$18 million annual boost to their economy as a direct result of trail related goods and services purchased in addition to supporting \$3.6 million in jobs and generating \$1.8 million in taxes every year (Kaliszewski, 2011). Trail systems facilitate running, biking and walking throughout the community and can attract tourists, especially those interested in longer stays.

Certain tourism destinations and residential communities are well known for their strong trail and pathway systems. The Ketchum / Sun Valley system stretches from north of Sun Valley all the way down the Big Wood Valley to Bellevue and beyond. It is often cited as one of the best things about living in the valley. Areas that offer this type of amenity become known for their trails, and these amenities can be a strong draw for lifestyle migrants, second home owners and long stay tourists seeking the outdoor lifestyle.

NATURAL RESOURCES + OUTDOOR RECREATION

Natural resources and outdoor recreation is the primary tourism product of Teton County and one of the most important aspects attracting quality-of-life migrants and entrepreneurs interested in opening knowledge based or footloose industries. Branding and marketing Teton County as a destination is apparently underdeveloped. Aside from Grand Targhee (Wyoming), there are few large commercial resorts or lodging facilities that brand and market Teton Valley. It is also overshadowed by Jackson, Grand Teton National Park, and Yellowstone National Park,

which are nearby. Therefore, a concerted effort needs to be made to define the differentiating characteristics of Teton County and promote the brand as an outdoor recreation destination with good air access (Jackson and Idaho Falls), recognizing that there is a delicate balance between preserving and promoting the natural resources.

Recreational Tourism

Recreational tourism is a niche segment of the outdoor recreation product that Teton County is offering tourists. It is essentially comprised of packaging special itineraries, activities and experiences that focus on the natural environment of the region. The region is very well suited to pursue this segment, as the destination features outdoor recreation, world class scenery and high quality experiences in nature. Therefore, these types of recreational tourism experiences should be promoted and marketed.

To develop the recreational tourism aspects of the destination, the various resources that are available such as the mountains, rivers, dark skies and unspoiled natural zones should be evaluated and packaged by tourism industry participants such as lodging properties and outfitters. Developed recreational amenities such as golfing, biking, fishing, horseback riding, skiing or snowmobiling could also be part of specialty packages. These activities and itineraries can then be promoted on-line and in tourism information centers. The goal will be to expand the offering of the destination, attract tourists that are seeking these types of experiences and extend the length of stay of visitors already aware of the destination.

Recreational tourism can also go hand-in-hand with cultural heritage tourism. According to the 2006 Travel Activities and Motivations Survey (TAMS) by Lang Research, those who visited historical sites, museums and art galleries were more likely than the average U.S. pleasure traveler to have participated in a wide range of outdoor activities, especially wildlife viewing, while on trips in the past two years. Relative to the average U.S. pleasure traveler, they are also more likely to go hiking, climbing, paddling, jogging, cycling, cross-country skiing and to participate in extreme sports (e.g. extreme air sports, extreme skiing).

Open Space

Open space is important to preserve within communities as a quality-of-life amenity and to enhance the aesthetic appeal of a place. This is especially true for Teton County, which possesses priceless scenic beauty and relies on tourism as a key component to the economic development strategy. Tourist-oriented towns and communities work hard to be pleasing to the eye. They need to attract visitors and create an appealing feel to both locals and tourists. Open space is very important in this regard.

Teton Valley has an opportunity to repurpose rural, platted, undeveloped subdivisions that could be part of a larger system of open space created through land purchase or acquisition of conservation easements. Open space could include infill parks, trail connections, wildlife corridors, open fields, green belts and riparian restoration zones. Some of these types of open space can become popular amenities to residents and tourists alike.

Parks and Recreation

Greenways, parks, open space and multiuse paths (bicycle and pedestrian) have been shown to have positive impacts on property values and public health.

Land that is protected from development, either for recreational use, habitat conservation, or natural resource protection, has a tangible value that is hard to measure. One of the primary benefits of open space and conservation land is increased quality-of-life. While the value of quality-of-life is not often quantified, it has a direct link to economic development and community vitality that can be measured in other ways.

It has been well established that proximity to open lands and conservation areas enhances property values (McConnell, 2005). The "proximate principal" describes the correlation between higher property values and proximity to open lands, natural areas and parks. For example, an analysis of MLS sales of homes located along greenway systems found that the average premium paid for a home within one-half mile of a greenway trail system was between \$4,384 and \$13,059 (Lindsey, 2003).

Recreation Access

*Indianapolis example
not any more valid than
before. Should be deleted.*

The Teton River and Targhee National Forest are important natural attractions to both residents and tourists. Existing access for fishing, boating, hiking and other activities is important to maintain and develop where appropriate. As two of the top recreational tourism and outdoor recreation resources of the valley, the river and forest should be readily accessible in multiple locations.

At the same time, it will be important to maintain, manage and preserve the natural feel and the wild and scenic character of the Teton River and other waterways or they will lose their value as authentic recreational tourism attractions. Thus, biking trails along the banks of waterways should be limited to town areas and more populated areas, while the majority of the riparian area should be as pristine as possible while still accessible.

River-based tourism is a major sector of tourism that can be promoted in the Valley. The Teton River will support fly fishing, boating and hiking visitors. It is also a major branding and place identifier of the valley much like Aspen, Steamboat, Vail, Ketchum, Park City and Missoula. The community needs to embrace the river, keep it accessible and facilitate access and visitation through outfitters to maximize economic benefits.

COMMUNITY EVENTS + FACILITIES

Community events and facilities can be important means of enhancing the quality-of-life for residents and attracting visitors during off-peak periods. This can include slow midweek periods or low visitation months. Many of the events and facilities require public subsidy and/or support from non-profit organizations. This is especially true for conference and convention centers that do not normally cover capital costs or even operating costs. However, once destinations reach a certain level, they can subsidize conference / convention center development financing and operating costs through hotel taxes. The benefits to the destination are significant, as group business during slow periods can make the difference between feasible and non-feasible lodging, retail, dining and entertainment. Other destinations in Idaho have pursued this successfully, including Pocatello, Nampa, and Coeur d'Alene. Sometimes, destinations, such as Sun Valley and McCall, rely on private lodging / resorts to provide the facilities. Once provided, they are heavily used and often outgrown.

Events are also a very effective means of promoting visitation during off-peak periods. Events can include festivals, races, competitions, fairs, concerts, symposiums, off-site corporate retreats and other activities. The economic impact of these events can be very significant. However, they also require significant organizing and promoting capability and often require significant dedication of resources such as life-safety protection, ~~sanitary~~, clean-up, and marketing / promotion. *sanitation*

Certain facilities such as recreation centers, multipurpose rooms, community pools and like facilities are geared more towards the local population. These facilities are used for community meetings, teen activities, family gatherings, wedding receptions, funerals and other community activities. Sometimes they are private or are operated by non-profits. These facilities can be important to creating a sense of community, thereby enhancing quality-of-life.

Education Facilities

The presence of high quality educational opportunities from pre-kindergarten through post secondary levels is important in attracting entrepreneurs interested in opening footloose, knowledge-based industries. Many employees of technology companies will be reluctant to move to Teton County unless there are excellent facilities for the education of their children. Public schools in Teton County should aspire to a standard of excellence that goes beyond what is required by the state of Idaho and strive to meet international standards. The establishment of a community college or an extension of an established university would greatly enhance economic development by creating jobs and attracting students.

AGRICULTURAL + RURAL HERITAGE

Sustainable Agriculture Production

"highly educated" was removed from 3rd line

economic development

Where Are We Now?	Where Do We Want to Go?	Tools	Key Actions	Participants	Timing
Undiscovered "lifestyle" community with recreation based services (shops, guides, outfitters)	An appealing "lifestyle" community	Marketing, Branding and Wayfinding Program	Develop new marketing, branding and signage materials. Design and install gateway signage and landscape treatments; wayfinding master plan; wayfinding sign installation.	Chamber of Commerce; Teton Valley Business Development Center; Teton Valley Marketing Alliance; Cities	3
			Preserve and enhance recreational opportunities	County Planning; Non-profit organizations	0
Reduced land values due to over-supply of medium density (1.0 – 2.5 acre) residential lots	A healthy real estate market	Subdivision and Zoning Ordinance	Mitigate the economic impact of non-viable subdivisions.	County; property owners	3
			Zone changes to reflect the <i>Policies</i> Framework Plan and encourage development of quality growth neighborhoods adjacent to existing communities and reduce density in sensitive rural areas.	County Planning	I
			Reduce future potential supply of residential lots by 75%.	County Planning	I
			Prioritize existing commercial and manufacturing land to reach a goal of 60/40% commercial/residential tax base.	County Planning ; City of Driggs; City of Victor; City of Teton	3
			Require development proposals to be accompanied by relevant market research and due diligence that justify viability of the project and consider off-site impacts.	County Planning	I
Struggling local businesses	Thriving locally-owned businesses	Buy Local Program	Promote official "Buy Local" campaign for the Teton Valley.	Chamber of Commerce; Teton Valley Business Development Center; Teton Valley Marketing Alliance	2
		Technical assistance	Provide technical assistance to local businesses.	Teton Valley Business Development Center	I
Limited amount of economic	Vibrant, stable and diverse local	Economic Development Program	Unify Marketing, Job Retention, and Recruitment Programs.	Chamber of Commerce; Teton Valley Business Development.	2

agree!

Comment [J221]: Comment that should not be restricting future growth and development since not all developments are unmarketable.

Could add to "encourage creative and new approaches to land development" to action or goals and policies section.

Comment [J222]: Questions on whether or not this is realistic?

natural resources + outdoor recreation

Where Are We Now?	Where Do We Want to Go?	Tools	Key Actions	Participants	Timing
Relatively pristine and intact wildlife habitats anchored by large tracts of public land and key private lands protected with conservation easements	Conserved and enhanced functional habitats	Subdivision and Zoning Ordinance	Revise ordinances to protect water quality and quantity, require <u>screening</u> where appropriate, protect key habitat areas, and reflect the land use framework along all natural waterways.	County Planning	2
			Revise ordinances to specify low development density in sensitive wildlife habitat, riparian areas and wetlands.	County Planning	2
		Tax Incentives and Fees	Amend subdivision and zoning ordinances to allow enhanced <u>clustering incentives</u> and conservation easement purchase or lease.	County Planning	2
			Utilize tax incentives and fee structures to support land use framework.	County	2
		Conservations Easements	Investigate funding options for purchase or lease of conservation easements through property tax, resort tax, hotel tax, real estate transfer tax, voluntary fees, or others.	County,	5+
			Strengthen the wildlife and natural hazard overlays, including further reducing density in riparian, wetland, floodplain and other sensitive or hazardous areas.	County Planning	2
			Purchase or lease conservation easements in high priority areas for wildlife protection.	Property Owners; Teton Regional Land Trust; Other accredited land trusts or entities	2
Poorly planned and scattered development that disconnects and threatens wildlife migration	Protected wildlife movement corridors and sensitive habitats	Subdivision and Zoning Ordinance - Subdivision Vacation	Incentivize vacation of non-viable subdivisions in or near migration corridors or sensitive habitats.	County Planning	2

Comment [J223]: Comments received to remove strengthening the wildlife overlay and remove all references and that IDFG should be relied on to regulate wildlife. Comments on where wildlife overlay came from? Other comments that wildlife and overlays are important.

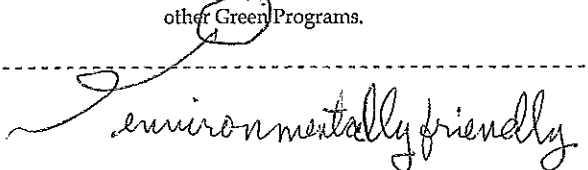
Note: We have contacted IDFG regarding regulating wildlife in Teton County. We could provide additional supporting information in the Appendix on the existing wildlife in Teton County. IDFG could also be added as a "participant" to this action.

Where Are We Now?	Where Do We Want to Go?	Tools	Key Actions	Participants	Timing
corridors and sensitive habitat					
Water quality and quantity concerns	Good water quality and quantity for recreation, fisheries habitat and human consumption	Plan Development - Subdivision and Zoning Ordinance	Develop a source water protection plan	County Planning	5+
			Ensure developments have adequate supply of drinking water and ability for adequate wastewater treatment prior to approval.	County Planning	2
			Develop a source water protection plan	County Planning; Non-profit organizations, State, Local and Federal agencies	5+
			Ensure developments have adequate supply of drinking water and ability for adequate wastewater treatment prior to approval.	County Planning; Non-profit organizations, State, Local and Federal agencies	2
Numerous and diverse opportunities for recreation on public land, although some access is limited	Numerous, high-quality recreational opportunities and facilities for all ages and user groups	Recreation Master Plan	Explore the feasibility of a Recreation District	County; Cities	2
			Develop a Trails and Pathways Master Plan, work with federal and state land agencies to maintain and improve access to public lands.	County Planning, Non-profit organizations, State, Local and Federal agencies	5
Community that values a wide range of outdoor recreational opportunities	Protected and expanded range of access to outdoor recreation areas				
	Tourism enhanced by natural resource protection	Planning Documents	Create a Winter Travel Plan that includes maintenance and improvement of public land and river access and identifies potential new access locations.	County Planning, Engineering, and Road and Bridge	5
			Create and adopt a County-Wide Flood Preparedness and Prevention Plan.	County Emergency Management	2
		Local, State and Federal Coordination	Work with state and federal agencies and private land owners to inventory and map sensitive areas.	County GIS; Property Owners; USGS; NRCS; BLM; NGOs; USFS; IDFG	2

human consumption should come first

Overlay Standards
current applicable regs

No. Current Fed. State and Local regs sufficient

<i>Where Are We Now?</i>	<i>Where Do We Want to Go?</i>	<i>Tools</i>	<i>Key Actions</i>	<i>Participants</i>	<i>Timing</i>
Water and sewer service within existing towns only. High cost to provide roads, road maintenance and other services to rural areas	Sufficient infrastructure to efficiently serve the needs of the community	Utility Standards	Amend Subdivision and Zoning Ordinances, to focus development requirements to utility provision.	County Planning	2
		Area of Impact Agreements	Work with Cities to determine appropriate Area of Impact (AOI) boundaries based on future annexation plans.	County Planning; Cities	3
		Transportation Plan			
	Coordinated Emergency Services	County-wide Emergency Service Plan	Create a county-wide emergency services plan.	County	3
		Fiscal Impact Tool	Develop a comprehensive county fiscal impact tool.	County	5
		Transfer of Development Rights (IDR) Program	Work with Cities to investigate the feasibility of TDR program.	County Planning; Cities of Driggs, Victor and Tetonla	5+
Incomplete but growing recycling facilities	Efficient and convenient recycling opportunities, reduced waste stream	Recycling Program	Work with Teton Valley Community Recycling (TVCR) and other partners to promote waste reduction education campaigns and pursue grant opportunities to expand the County Recycling and other Green Programs.	County Solid Waste and Recycling; Private entities; non-profit organizations	O
	Coordinated public and private recycling services				
Timing: O=Ongoing; I=Immediate; 2 = Within 2 Years; 3 = Within 3 Years; 5 = Within 5 Years; 5+ = 5 or More Years					

agricultural + rural heritage

Where Are We Now?	Where Do We Want to Go?	Tools	Key Actions	Participants	Timing
Established agricultural industry – (seed potatoes, barley, alfalfa, hay, etc) but transportation costs, short growing seasons and harsh climate create financial hardship.	Agriculture as a key industry	Land Protection Trusts, USDA assistance	Explore funding options and incentives for maintaining the financial viability of farm operations. Diversify crops and specialties	USDA, ISDA, Private Land Trusts, Property Owners	0
Agricultural and rural lands are a key element in rural character and wildlife habitat. Overdevelopment of rural areas threatens this	Preserved agricultural and rural lands and a distinct rural character	Cluster Development Program	Amend subdivision and zoning ordinances to allow enhanced clustering incentives and conservation easements that are purchased or leased.	County Planning	2
		Conservation Easement Purchase or Lease			
		Transfer of Development Rights (TDR) Program	Work with Cities to investigate the feasibility of TDR program.	County Planning; Cities of Driggs, Victor and Tetonla	5+
		Subdivision and Zoning Ordinance - Large Lot Streamlining	Create/amend ordinances and programs to promote Large Lot Subdivisions.	County Planning	0
		Open Space Levy or Dedication Incentives	Explore open space funding options and voluntary incentives that would be oriented to the protection of open space and large farms.	County	5+
Aging farmer demographic / losing agricultural heritage	Continued multi-generational agricultural heritage	Subdivision and Zoning Ordinance - Family Lot Splits or Short Plat	Amend the Subdivision Ordinance to allow Family Lot Splits or a Short Plat process.	County Planning	2
Weed Infestation from vacant subdivisions and other	Healthy, open landscape	Subdivision and Zoning Ordinance - Subdivision Vacation	Vacate non-viable subdivisions; amend County Code to strengthen penalties for weed violations.	County Planning; Extension Office	2

Comment [J224]: Add "state law" as tool and "enforce state noxious weed laws" as key action

IMPLEMENTATION TOOLS

A series of tools are available to implement the Plan, some of which are employed most effectively either through the County; public and private partnerships; or by private efforts. The tools rely on choices made by individual landowners or on actions taken by public or private agencies. The Board of County Commissioners can play a role in Plan implementation by updating the Capital Improvement Plan, revising zoning and subdivision regulations, or making budget allocations to achieve plan goals and objectives.

Teton County uses two primary regulatory tools to implement the goals and policies set forth in the Comprehensive Plan: the Zoning Code and the Subdivision Code (both are codified chapters within the County Code). Additional tools for implementing the Comprehensive Plan include other portions of the County Code, the Capital Improvement Plan, and a host of non-regulatory means.

PRIMARY REGULATORY TOOLS

Zoning Code Amendments

The Zoning Code regulates the use of land. More specifically, the provisions of the Zoning Code divide the County into residential, agricultural, commercial, industrial, public and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land within the zone and the standards to which improvements must conform, such as building height, setbacks, and lot size. The Zoning Code is approved by Ordinance and consists of text found in Title 8 of the County Code, along with an official Zoning Map.

The Zoning Code fulfills two major roles:

- First, the provisions of the Zoning Code promote the general public health, safety, and welfare of County residents.
- Secondly, the Zoning Code helps to implement the Comprehensive Plan.

In a broad sense, zoning encourages the orderly development of the County and implements the Comprehensive Plan. The Comprehensive Plan provides a general and long-range policy for the County, while the Zoning Code serves as a legal ordinance with binding provisions on how land can be developed. Zoning sets the pattern for growth and defines appropriate land uses for each zone. The various zones have specific boundaries and, when drafting the Zoning Code, the County considers how each land parcel will be affected and how potential development on that parcel will affect those around it. However, zoning is only one of several tools available to bring the Plan recommendations to reality.

The Zoning Code should be revised to reflect the Framework Plan which includes the goals and policies and of the Comp. Plan (67-6511) shall be in accordance with the Framework Map. The Zoning Code can be amended in a variety of ways, one of which results in the change in allowable development density. In Teton County, this density is represented by the number of dwelling units permitted per acre. For example, our current zoning includes A20 and A/RR 2.5 zone districts, which allows a density of 1 house per 20 acres and 1 house per 2.5 acres, respectively. Changes could result in either increases or reductions in the allowable density. Other amendments to the Zoning Code could include:

- Changes in minimum lot sizes/ density decreases in key rural areas;
- Elimination of residential density bonuses; are these different from clustering incentives? → see next page
- Changes in the procedures necessary for permitting of uses; as defined by current regs.
- Concentration of commercial, mixed use development and housing near existing towns to ensure economic viability;
- Standards or overlay zones that set a level of protection for scenic corridors, prime farmland, flood prone or environmentally sensitive areas, e.g. riparian areas, and
- The addition of form or performance-based code strategies.

There are four primary types of zoning code that the County could consider as part of the Plan implementation strategy: Conventional (also known as Euclidean), Form-Based, Performance, and Incentive-Based, as well as a Hybrid Code that may combine elements of some or all of the four primary types.

Conventional Code (Euclidean): Teton County's current zoning is based primarily on a conventional code that regulates development through land use classifications and dimensional standards. Present County zoning land use classifications are agriculture, residential, retail commercial, wholesale commercial and manufacturing. Each land use must comply with dimensional standards that regulate the height and size of structures. These dimensional standards typically take the form of minimum lot sizes, building setbacks from property lines, and height limits.

Form-Based Code: A form-based code places more emphasis on regulating the form and scale of buildings and their placement rather than the distinctions between land use types. Form-based codes are the newest form of zoning code and have not typically been utilized in a rural setting. Form-based codes typically result in greater control over the visual quality of building architecture and public areas along streets and community gathering places.

Performance Zoning Code: Performance zoning regulates the impact of land uses through set standards of performance. These specific standards usually concern residential density, intensity of commercial development, vehicular traffic, noise, and access to light and air. Under performance zoning, developers can locate any use within an area, subject to meeting the performance standards for that district. Performance zoning allows for the greatest flexibility of all code types.

Incentive Zoning Code: Incentive zoning provides a reward (typically in the form of greater residential density or building size) to a developer who does something beyond "standard practice" that is in the community's interest (such as protecting open space or prime wildlife habitat). Teton County already provides the opportunity for density bonuses which would be considered an "incentive." Incentive zoning allows for a high degree of flexibility.

Subdivision Ordinance Amendments

The Subdivision Ordinance provides the County with standards and regulations for the approval of new subdivisions and lot splits. The Subdivision Ordinance, found in Title 9 of the County Code, includes design standards for streets, blocks, and other public improvements. The Subdivision Ordinance provides the application procedures for approval of all types of land divisions within the County. The Subdivision Ordinance relates to the Comprehensive Plan by assuring proper design of residential areas and design and location of public facilities. New or enhanced subdivision tools that might be added to the Ordinance include:

- Transfer of Development Rights (TDR);
- Conservation Easement Dedication, Purchase or Lease;
- Large Lot Subdivision Incentives; and
- Family Lot Splits.

Vacate/ Replat Non-Viable Subdivisions

Non-viable subdivisions can be "vacated" through a process where the internal property lines are eliminated and the parcel reverts to its previous configuration. This is an existing tool to bring land back to a rural character. Vacating a subdivision does not mean that the property cannot be developed again in the future.

Since there are times when it is not appropriate or desirable to vacate the plat for an entire subdivision or phase of a subdivision, generally because several lots have been improved and homes developed, consideration may be given toward replatting the subdivision. A replat involves preparing a new plat that reflects new lot sizes, streets and utilities that meet current public improvement standards or lot and street patterns that avoid environmentally sensitive areas. Where the original subdivision plat contained undersized lots, lots on environmentally sensitive land, or inadequate roads and utilities, the replat may show fewer developable lots, increase the open space, or rearrange lots so that higher quality habitat is protected. Replatting can be used with both paper subdivisions and partially developed subdivisions, and can be effective to reduce lots, protect wildlife habitat, or reduce service costs.

but it is proposed that they be eliminated (see previous page)

that have breached their contract with the County

New regulations should encourage and allow a streamlined review process for property owners wishing to voluntarily vacate a subdivision plat whenever possible.

Subdivision impact fees and the provision and timing of infrastructure should be reexamined with these subdivision vacation and replat regulations in mind. New provisions should be added to the Code. Other Code criteria may center on whether the County can economically provide services to subdivisions that have not begun development. Subdivisions that meet certain criteria could be replatted to meet the goals of the Comprehensive Plan, including reduced lot sizes and open space conservation, according to a "replat" Code provision.

Conservation Easements, Purchase of Development Rights (PDR) or Open Space Purchase

Land can be retained for future generations as agricultural or open, natural landscapes through three primary mechanisms: conservation easements, purchase of development rights, or public purchase. All of these options offer a voluntary means to open land preservation.

Conservation Easements: Dedication or sale of conservation easements by private property owners to private, non-profit lands trusts or conservation organizations allow many of the property rights to be retained (e.g.-continue farming or ranching), and continued ownership and place of residence. If donated, the owner receives a tax benefit; if sold, the owner retains revenues from the sale of the conservation easement. A conservation easement also can be used to reduce the value of an estate that is subject to taxation. In some cases, property owners may wish to enter into a conservation lease, whereby the land can be maintained in an open, undeveloped state for a set period of time and fee.

Purchase or Donation of Development Rights: Development rights can be severed from agricultural lands in two primary ways. Development rights can be purchased by different entities (usually a non-profit land trust but sometimes a public agency), and they can be donated by landowners to nonprofit land trusts, conservation organizations or public agencies. The severance of development rights runs with the land, and future landowners must ensure that the land is not developed. As with conservation easements, agricultural and ranching activities can continue and the property owner retains the right to sell the property.

Open Space Purchase or Donation: Currently, Teton County does not purchase open land or development rights. However, if there was adequate public support, the County could use money raised from a Conservation or Open Space Levy or other funding source to purchase Development Rights or Open Space. A two-year levy would need to be passed by a majority vote of those included in a levy district and a permanent levy would require approval by a super majority. Other funding options could include a voluntary fee or resort, real estate, or hotel taxes.

Transfer of Development Rights (TDR) Program

TDR programs allow landowners to transfer the right to develop one parcel of land to a different parcel. The parcel of land where the rights originate is called the "sending" parcel. When the rights are moved from a sending parcel, the land is restricted with a permanent conservation easement, or deed restricted from future development. The property owner of the sending parcel relinquishes the right to develop the land, but can continue indefinitely with farming or ranching activities. The parcel of land to which the rights are transferred is called the "receiving" parcel and is generally more appropriate for development. Transferring rights generally allows the owner of the receiving parcel to build at a higher density than ordinarily permitted by the base zoning. A targeted TDR program would allow development to be transferred between select parcels. The transfer would be facilitated when the sending and receiving parcels match designated preservation zones (the sending areas) and growth areas (the receiving areas). Strategically placed sending and receiving areas maximize community benefit by providing an incentive for greater development and population densities in or near the County's cities while protecting parcels with the highest scenic, cultural and wildlife habitat value.

The first step toward creating a Transfer of Development Rights Program will be a joint study with Teton County communities to determine feasibility. Making the program a practical option in an area as large as Teton County will likely entail breaking the program into smaller geographic areas. Keys to TDR program success can be learned

from other counties including Payette County, Idaho which has one of the most successful TDR programs in the Country.

Cluster Development (also known as Conservation Subdivisions)

Cluster Development is a housing pattern that clusters new housing on a portion of the property with the remaining area protected as open space to allow for continued agriculture production or protection of natural habitat. A rural cluster development could include relatively large lot clusters (1 to 3 acres) and does not necessarily require urban type densities.

The preserved natural or agricultural area attracts buyers who want to enjoy the countryside without owning or maintaining a large parcel of land. Cluster development is currently included in the existing Planned Unit Development Ordinance. Cluster Development can help create lots that are small enough for a homeowner to maintain and also create dedicated open areas.

Large Lot Subdivision Incentives

Incentives can be created for subdivisions with lots that are larger than the minimum size allowed under the zoning district. This could help make it easier to break off a piece of land to sell when needed. The lots would need to be large enough to help reach the goal of preserving rural character and larger than what the underlying zoning would allow.

Family Lot Splits (also known as Family Subdivisions or Transfers)

Family Lot Splits help to forward continuance of viable farming operations. This type of small subdivision originated from the farming tradition that allowed a farmer to split off lots for his children, to fulfill their need for housing, to pass along a portion of the family's land holdings and to allow the family members to live in close proximity to the farm where they worked together. *Should not be necessary for them to have worked there.*

Rules for Family Lot Splits are designed to both protect the rights for a farm family to sell or gift land to an immediate family member and discourage circumvention of the standards that would promote speculative land development. Standards typically define "immediate family" limit the number of subdivided lots that occur, the period of time the benefactor must hold the lot, and the size of lot that can be created. Immediate family is most frequently defined as the property owner's children. Lot sizes are usually required to be no smaller than the required minimum lot size within the zoning district and enough land would need to be available to meet the underlying zoning requirements. Subdivision review processes are often streamlined to make it quicker and easier to create a Family Lot Split.

if that is the definition to be used here, then so state in the glossary

Short Plat

Creation of a smaller subdivision can often be accommodated through an abbreviated review process to create a Short Plat, also called a Short Subdivision. The purpose of the short plat is to allow the creation of a small number of parcels without being subject to the more lengthy procedural standards of the preliminary and final plat regulations and to provide a simplified administrative process for review. Thresholds for creation of a short plat are typically based on the number of lots being created and the requirement for right-of-way dedication.

Capital Improvement Plan (CIP)

Teton County has an existing Capital Improvement Plan (CIP) that identifies future capital needs for roads and other public services, prioritizes these capital projects and specifies funding sources. This plan should be updated based on current population projects and current projected conditions. The impact fee ordinance should be updated based on the new information. The CIP should also include plans for other economic development initiatives that fall outside of the typical infrastructure and facilities developed by the County. The County should also adopt a CIP for the Teton County Fire District and implement impact fees in accordance with that plan.

NON-REGULATORY TOOLS

Plan implementation is more than regulation. There are non-regulatory measures such as creating structure for inter-local agreements, public-private partnerships, and efforts of the business community and individuals.

Guidelines

The County can put recommended guidelines in place that will suggest specific non-regulatory techniques to preserve community character in the Valley. Guidelines could include historic preservation, architectural and landscape design, and high performing building design. The County currently has some guidelines in place and these could be expanded to provide guidance to land developers and property owners.

Buy-Local Program

Creating a "buy-local" campaign will maximize positive financial impact on the local economy because profits are kept in the local area as opposed to being exported out of Teton Valley. By keeping money in the area, other sectors of the local economy are supported. Local businesses have a stronger affinity for the local culture and tend to be more supportive of civic causes, local charities, local events and other aspects of local participation. Local business owners tend to support each other and they engender support by the local population.

Teton Valley Marketing and Branding

A targeted marketing and branding effort will help expand exposure of Teton Valley to other markets and to prospective employers and the tourism industry. Teton Valley needs to market its high quality-of-life, area history and amenities, and create an attractive identity through a unique brand.

Support of Non-Profit Organizations

Teton Valley is home to over 50 private, non-profit organizations (public charities, private foundations & others) that work to address community needs. Area projects and programs include animal safety, arts and culture, child and family services, civic groups, conservation and environment, education, health and human services, and sports and recreation. Partnerships between the public sector, business and the non-profit organizations are necessary for the Plan to be successful.

IMPLEMENTATION FRAMEWORK

The Teton County Comprehensive Plan provides goals for development of the County over a 20-year period beginning in 2012. To meet these goals, the Plan establishes a series of tools and specific action items. The Plan also defines specific steps and follow-up activities to be taken to track implementation of the Plan. An implementation framework ensures that specific strategic actions take place, that Plan updates occur and that the Plan is adapted where needed in order to meet the community's desired future. The implementation framework consists of the elements shown at right.

ACTION MATRIX

The policies in the Comprehensive Plan are implemented through a series of tools and key actions to realize the expressed vision. These actions are spread across the main elements of the Comprehensive Plan. Below are highlights of a few of the anticipated action items intended to advance the goals of the Comprehensive Plan:

- Redraw zoning districts and create appropriate ordinances to implement the Vision in each district.
- Create/amend ordinances and programs for TDRs, Large Lot Subdivisions, Conservation Easement Purchase or Lease Programs, Zoning Changes, Land Use Matrix and prepare a ballot question for an Open Space Levy.
- Vacate non-viable subdivisions; amend County Code to strengthen penalties for weed violations.
- Create a Recreation Master Plan and potentially a Parks and Recreation Department to manage facilities and programs.
- Create a Unified Marketing, Job Retention, and Recruitment Program.
- Develop an official "Buy Local" Campaign and Marketing program for Teton Valley.

*Policies stated in the
Comp Plan
which have
breached their
current contract to
the County*

MINOR AND MAJOR PLAN UPDATES

In order for the Comprehensive Plan to change with future conditions, it must be reviewed, revised, and updated periodically. Revisions to the plan shall be conducted according to two distinct procedures: Comprehensive Updates and Minor Amendments. Comprehensive Updates to the Plan will take place every five years. The Updates should focus on the review of the vision, framework, policies, tools and actions to ensure the Plan is headed in the correct direction. A separate process shall be used to make Minor Amendments to the Plan as a result of the adoption of new plans, land use codes, tools, actions or resolutions of specific issues found in the Plan. Minor Amendments, preferably conducted annually, should include any necessary changes to the framework map, text or map errors.

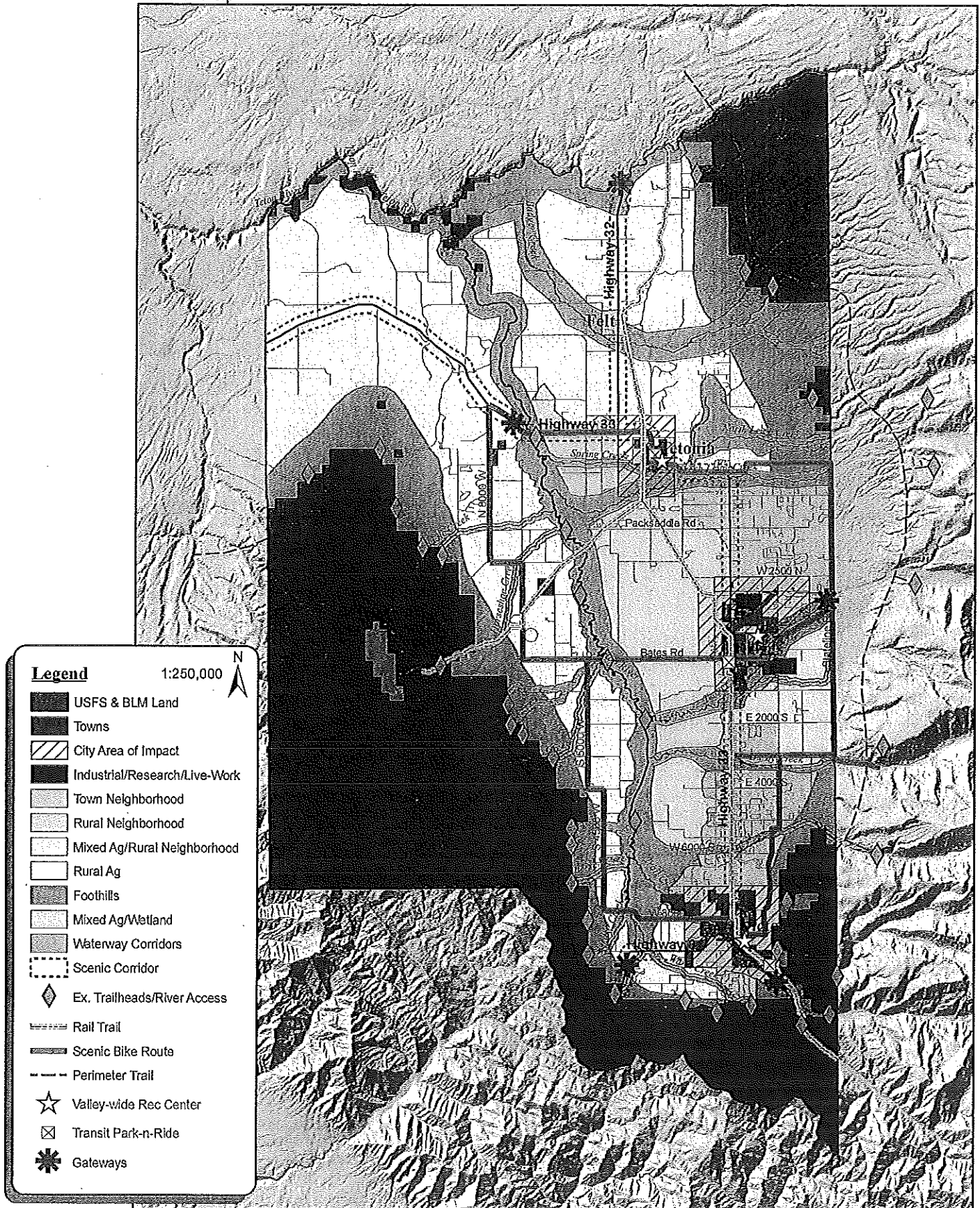
State the Statutory requirement or change to "as needed."

PRIVATE INITIATIVES

A key fundamental basis for the success of the Comprehensive Plan process includes how the private sector can contribute to the success of the community. Non-profits, private businesses, individual homeowners and each citizen should help implement the Plan in their own way by trying to achieve its policies. The County will also begin an award program that will occur every two to three years and can be held in conjunction with the Annual Report to the Community and the Biennial Summit. The program will acknowledge the best planning, design or built project.

An award program promotes awareness of the importance of good community design, and its role in maintaining and enhancing the quality-of-life in the Teton Valley. It celebrates success and sets an example for design possibilities.

The Framework Map



Notes

as auxiliary information

1. This Framework Map is meant to be used in context with the Framework Goals and Policies.
2. This map depicts desired future land uses and does not affect existing conditions, land uses, or developments. *dictate planning zones*



Valley Advocates for Responsible Development

June 15, 2012

Teton County Planning & Zoning Commission
Teton County Board of County Commissioners
150 Courthouse Drive, Room 107
Driggs, Idaho 83422

RE: Sources of legal authority for natural resources and wildlife planning.

Dear Commissioners:

This letter is submitted to clarify and ultimately rebut some of the statements and assertions addressed to the Teton County Board of County Commissioners in the May 24, 2012 letter written by Mr. Robert Harris on behalf of an anonymous client or clients who formed a legal entity called Teton Valley Group for Property Rights (TVPRG).

I. A Comprehensive Plan is not the same as a zoning ordinance.

The TVPRG letter confuses comprehensive planning with zoning. They are not the same thing. Mandated by the Local Land Use Planning Act (LLUPA),¹ a comprehensive plan is intended to be a forward looking, visionary statement of (in this case) Teton County's direction and goals as they affect land use planning decisions.² Comprehensive plans do not, and cannot, have the same force and effect as zoning. The Idaho Supreme Court has distinguished comprehensive plans from zoning ordinances in this way:

[LLUPA] indicates that a comprehensive plan and a zoning ordinance are distinct concepts serving different purposes. A comprehensive plan reflects the "desirable goals and objectives, or desirable future situations" for the land within a jurisdiction. I.C. § 67-6508. This Court has held that a comprehensive plan does not operate as legally controlling zoning law, but rather serves to guide and advise the governmental agencies responsible for making zoning decisions. The Board may, therefore, refer to the comprehensive plan as a general guide in instances involving zoning decisions such as revising or

¹ I.C. §§ 67-6501 to 67-6537, also known as "LLUPA".

² *Cove Springs Development, Inc., v. Blaine County*, Case No. CV2008-22, page 15 (5th Dist., June 3, 2008).



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adopting a zoning ordinance. A zoning ordinance, by contrast, reflects the permitted uses allowed for various parcels within the jurisdiction.³

The TVPRG letter explicitly asks the county to define or re-define the zoning districts in the draft comprehensive plan. (Letter at p. 4) Neither boards of county commissioners nor their planning commissions have authority to change zoning districts through adoption of a comprehensive plan. It is well established in Idaho that the comprehensive plan cannot be elevated to the level of zoning law.⁴ Likewise, the land use designations in the comprehensive plan will not match the then current zoning ordinances unless the county plans for no future improvements or changes to its past development patterns.⁵ The land use map, which is a required element of a comprehensive plan, should not be confused with the zoning map that is also required by LLUPA. Zoning maps control what types of developments may be currently constructed in a given area, whereas “the land use map, in essence, is a goal or forecast of future development.”⁶

The TVPRG letter also contends that the comprehensive plan must clearly define the land use terms in the framework map. The only statutory requirement for land use terms is that which is inherent in the comprehensive planning process itself – to provide suitable direction to county commissioners and planning commissions of the future intended direction of land use in the polity. Ironically, TVPG then contradicts its own contention by requesting that the land use terms in the draft plan be made more vague by eliminating the “High” “Low” “Medium” density housing descriptions for the land use categories. The existing land use definitions in the draft plan include a sufficient and reasonable directive to guide the

³ *Urrutia v. Blaine County*, 134 Idaho 353, 357, 2 P.3d 738, 742 (2000) (internal citations omitted); *See also, South Fork Coalition v. Board of Commissioners of Bonneville County*, 117 Idaho 857, 863, 792 P.2d 882, 888 (1990) (a comprehensive plan does not operate as legally controlling zoning law).

⁴ *Urrutia* at 358-59, 743-744 (the general language in a comprehensive plan is a general guideline which cannot be used to effectively rezone land; comprehensive plans cannot be elevated to the level of legally controlling zoning law).

⁵ *Bone v. City of Lewiston*, 107 Idaho 844, 850, 693 P.2d 1046, 1052 (1984) (the “in accordance” language of I.C. § 67-6511 does not require that a zoning ordinance’s land use designation must be exactly the same as the corresponding designation in the comprehensive plan).

⁶ *Bone* at 850, 1052. *See also*, Allen, Gary G.; Meyer, Christopher H.; Nelson, Deborah E., Lee, Franklin G. Lee, *Idaho Land Use Handbook: The Law of Planning, Zoning, and Property Rights in Idaho* (2011).



future land use planning and zoning decisions without going through the build-out scenarios and economic impact studies that will accompany those future actions. While TVPRG asks for certainty in the land use definitions, their requested changes would “gut” these definitions, leaving the land uses to only be vaguely referenced as simply “residential”. (Letter at p. 5)

II. Cities and counties (not Idaho Fish and Game) have sole planning and zoning authority over all the lands within their jurisdiction.

The TVPRG letter wrongly asserts that references to the wildlife overlay should be removed from the comprehensive plan as Teton County has no regulatory authority over wildlife. The rationale for this contention is not that wildlife planning is unimportant or has no benefit to the County. Instead, they argue that only the Idaho Department of Fish and Game (IDFG) should be left to regulate wildlife. (Letter at p.5) TVPRG further asserts that IDFG’s involvement in preparation of Teton County’s 2008 wildlife overlay would not likely be permitted today. (Letter at p. 8) These arguments fail on three counts.

1. Planning decisions that protect and preserve wildlife habitat are not the same thing as regulation of wildlife; the draft comprehensive plan has absolutely no reference to regulating wildlife.

The draft comprehensive plan does not propose to regulate wildlife. It proposes to protect habitat when private property is developed, particularly where proposed development might impact valuable or unique habitats. That such planning in turn benefits wildlife and achieves other important goals does not make it a *de facto* regulation of wildlife. There is a distinct difference. Wildlife refers to the organism, whereas habitat refers to land, often the place or area where the organism might live. Contrary to TVPRG’s assertions, nowhere in any of the sections of the June 8 draft of the comprehensive plan does it state that Teton County intends to regulate wildlife. Nowhere in the plan are private property owners required to maintain wildlife or habitat on their property. TVPRG’s letter fails to cite a single phrase, sentence, or anything else contained in the draft comprehensive plan which substantiates these claims.

2. Only cities and counties have the statutory authority to plan for the protection of habitat on private property.

All wildlife is declared the property of the state of Idaho, (I.C. § 36-103) but wildlife habitat can be found on both public and private property. By their very nature, wildlife often move between habitats on both public and private lands. While IDFG has the regulatory authority over wildlife, the department has no



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regulatory authority over land use decisions affecting private lands.⁷ This is because only cities and counties have the jurisdictional authority to plan for the protection of habitat on private property in Idaho. As stated in the recent case of *Cove Springs Development Inc., v. Blaine County*:

The delegation of land use planning and zoning authority contained in LLUPA is a complete, comprehensive, and exclusive delegation to local city and county governments.⁸

This authority expressly includes the statutory duty to plan for management of natural resources, habitat, and wildlife within the city or county's boundaries.⁹ LLUPA further mandates that comprehensive plans must include all of the land within the city or county's jurisdictional boundaries. (I.C. § 67-6508) Contrary to TVPRG's stance, the county has a statutory duty to consider the impact of future planning decisions on habitat so as to preserve natural resources and wildlife.

3. IDFG can provide technical analysis to local governments and enter into cooperative agreements for wildlife management and protection projects.

The TVPRG letter asserts that IDFG's involvement in preparation of Teton County's 2008 wildlife overlay would not likely be permitted today. (Letter at p. 8) This statement is patently false. By statute, IDFG can enter into cooperative agreements with cities and counties for wildlife management and protection projects. (I.C. § 360104(b)(9)) Likewise, IDFG can provide technical analysis for counties to develop their own wildlife overlay maps. Idaho Courts have clearly come to expect IDFG will play a meaningful role in assisting counties with the development of wildlife overlays.¹⁰ IDFG's direct and voluntary participation in

⁷ *Cove Springs* at 18.

⁸ *Cove Springs* at 17 (Emphasis Added); *See also, Sprenger, Grubb, & Associates v. Hailey*, 133 Idaho 320, 321, 986 P.2d 343, 344(1999) ("LLUPA provides both mandatory and exclusive procedures for the implementation of planning and zoning"); *And, Gumprecht v. City of Coeur d'Alene*, 104 Idaho 615, 617, 661 P.2d 1214, 1216 (1983).

⁹ The stated purposed of LLUPA is to ensure that the important environmental features of the state and localities are protected, and also to protect fish, wildlife, and recreation resources. (I.C. § 67-6502) In addition, cities and counties are required to include a natural resources and land use component in their comprehensive plan which expressly includes wildlife. (I.C. § 67-6508)

¹⁰ *Cove Springs* at 19-20, (counties may choose to use the expertise of IDFG to develop a wildlife overlay); *Cowan v. Fremont County*, 143 Idaho 501, 148 P.3d, 1247 (2006) (upholding the



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Teton County's comprehensive planning process itself affirms the importance of sound planning to help IDFG achieve its statutory goals of wildlife management.

III. Although it is not a part of the comprehensive plan, the Teton County Wildlife Habitat Overlay is a legitimate zoning ordinance.

Pursuant to the procedures established in LLUPA, the Teton County Board of County Commissioners adopted as a part of its zoning ordinance, the Teton County Wildlife Habitat Overlay on November 14, 2008.¹¹ The overlay is not a part of the comprehensive plan, but is a part of Teton County's zoning ordinances. These are distinctly different pieces of legislation rooted in different statutory requirements in LLUPA.¹² The June 8th draft comprehensive plan merely references maintaining and updating the overlay, which is precisely the kind of clear and unambiguous directive that a good comprehensive plan is supposed to contain.

As a statutory zoning category, the usage of overlay maps to protect sensitive areas is well established in Idaho. The Idaho Supreme Court has held:

This Court has recognized that aesthetic concerns, including the preservation of open space and the maintenance of the rural character of Blaine County, are valid rationales for the County to enact zoning restrictions under its police power. The purpose of the MOD [mountain overlay district], as set forth in B.C.C. § 9-21-1(B), falls squarely within the recognized powers of the County.¹³

In fact, the adoption of a natural resources overlay map is not only well recognized in Idaho, it was exactly what the *Cove Springs* court directed Blaine County to create when their wildlife protection regulations came under judicial review:

If the County desires to make use of the expertise of IDFG, the U.S. Fish and Wildlife Service, the University of Idaho, the USDA Extension Service, or any other expert, it should invite their views in the context of a hearing

correct usage of critical wildlife habitat maps that are based on natural resources inventory maps identified by Idaho Fish and Game)

¹¹ Teton County Code §§ 8-5-1 and 8-5-2.

¹² Comprehensive plans are authorized and required by I.C. § 67-6508. Zoning ordinances are authorized and required by I.C. § 67-6511.

¹³ *Terrazas v. Blaine County*, 147 Idaho 193, 198, 207 P.3d 164, 174 (2009).



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process that accommodates rebuttal of evidence which reserves the final decision to the County, as mandated by LLUPA. The result of that process should be the adoption of a map or objective criteria that clearly define the boundaries of the zone.¹⁴

In addition to *Cove Springs*, Fremont County's proper use of natural resource inventory maps and IDFG habitat mapping as a part of their zoning code was recently upheld by the Idaho Supreme Court.¹⁵ Moreover, county wetland regulations and hillside development requirements have been similarly affirmed by the Idaho Supreme Court on numerous occasions as both written ordinances and also in the form of overlay maps.¹⁶

If wildlife overlays are a lawful part of the planning and zoning structure in many Idaho counties, then setting goals and directives for future use of these overlays is an appropriate subject for a county's comprehensive plan.

IV. In addition to all of the above, comprehensive plans are not reviewable in Idaho.

We appreciate the fact that receiving TVPRG's message on a law firm's letterhead might carry the implied threat of a lawsuit in the event the stated wishes are not granted. However, we encourage you not be intimidated. In addition to the reasons stated above, a lawsuit challenging the draft of the comprehensive plan would have no basis because no one can sue in Idaho over the amendment of a comprehensive plan. The Idaho Supreme Court has clearly held in the recent case of *Burns Holdings, LLC v. Madison County Board of County Commissioners* (2009) that

¹⁴ *Cove Springs* at 19-20.

¹⁵ *Cowan v. Fremont County*, 143 Idaho 501, 148 P.3d, 1247 (2006) (upholding the correct usage of critical wildlife habitat maps that are based on natural resources inventory maps identified by Idaho Fish and Game).

¹⁶ *Noble v. Kootenai County*, 148 Idaho 937, 231 P.3d 1034 (2010) (upholding Kootenai County's enforcement of their county floodplain development ordinance); *Terrazas v. Blaine County*, 147 Idaho 193, 207 P.3d 164 (2009) (upholding Blaine County's usage of a Mountain Overlay District to regulate development in avalanche-prone areas); *Rollins v. Blaine County*, 147 Idaho 729, 215 P.3d 449 (2009) (also upholding correct application of Blaine County's Mountain Overlay District); *Cowan v. Fremont County*, 143 Idaho 501, 148 P.3d, 1247 (2006) (upholding the correct usage of both county wetland and county hillside regulations).



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there is no statutory right of judicial review of a county's decision to amend its comprehensive plan map.¹⁷

After the *Burns* decision and two other similar cases were decided by the Idaho Supreme Court, the Legislature passed HB 605 on March 23, 210 as a reaction to these court decisions. The Legislature amended I.C. § 67-6521 to now authorize judicial review of certain land use actions such as zoning ordinances, permits authorizing development, variances and subdivisions. It must be noted however, that the Legislature consciously declined to create a right of judicial review of the substantive elements of comprehensive plans. Thus, *Burns* and the subsequent acts by the Legislature clearly indicate that a comprehensive plan can only be successfully challenged for failure to follow hearing requirements, other procedural requirements in LLUPA, or for failure to include a statutorily required element (ie: natural resources, affordable housing, transportation, etc).¹⁸

V. The best way forward is to clarify and build on what already exists in the draft plan – not strip away meaning and substance.

Everything that is in the draft comprehensive plan is there through substantial collaboration and consensus. This draft plan has been the two-year work product of 1,800 volunteer hours and over 4,000 public “inputs” to date. Much of the language that TVPRD now challenges, including the descriptors for densities, is the result of extensive and painstaking conversations at the subcommittee and core committee levels. Instead of implementing the major changes requested in TVPRG’s letter, (which are potentially the views of only a single person and would essentially “gut” the substance of the plan) the goal now should be to clarify and build on what already exists in the plan.

This plan is the impressive product of a tremendous community effort spanning more than two years – a proud accomplishment for us all. Thank you for your hard work and consideration in the service of our community.

¹⁷ *Burns Holdings, LLC v. Madison County Board of County Commissioners*, 147 Idaho 660, 663, 214 P.3d 646, 649 (2009).

¹⁸ See also, Allen, Gary G.; Meyer, Christopher H.; Nelson, Deborah E., Lee, Franklin G. Lee, *Idaho Land Use Handbook: The Law of Planning, Zoning, and Property Rights in Idaho*, (2011).



Valley Advocates for Responsible Development

Sincerely,

/S/ David Axelrod

David Axelrod
VARD Board President
*Licensed to practice law in Idaho
and Oregon*

/S/ Richard Berg

Richard Berg
VARD Board Member
*Licensed to practice law in
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/S/ Anna Trentadue

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VARD Program Director/Staff Attorney
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Comments, Comp Plan Tracked Changes Draft for 6/19 PZC work meeting
Submitted by Alice Stevenson

These comments address new proposed or tracked changes and are therefore in addition to my previous comments

Page 5

Regarding ACR's comment bubble, I would like to clarify my previous comments regarding changing "our." I had noticed in the tracked changes version for the 6/12 meeting that the consultants (for reasons unknown to me) had changed "our" to "the" in some places but not others. I have no preference; I simply thought if there was purposeful intent behind the change, then it should be made throughout the document.

Page 7

Regarding ACR's comment bubble at the bottom: As a member of the CE&F SC, I am quite sure we never intended to imply that there would be multiple recreation centers--multiple facilities, perhaps, some of which might be private enterprises, but not more than one actual public Recreation Center.

Page 52 (bottom) mentions recreation centers (plural)—next page mentions that these facilities might be private

When the consultants put two centers on the Framework Map, we viewed that as indicating that the Recreation Center--which the public input strongly supported as an eventual outcome of forming a Recreation District--would be in either Driggs or Victor. The map shows a star in Driggs and in Victor, with the legend saying "Valley-wide Rec Center"—note use of singular.

Conclusion: If you read this entire sentence (starts with Therefore, 3 lines up from bottom), it is summarizing what is depicted on the Framework Map. I don't think "a valley-wide recreation program" is depicted on the map. Suggested re-wording:

"...along the primary transportation routes, **a Recreation Center in either Driggs for Victor,** and support for..."

Page 10

ACR's tracked change and bubble near bottom: Based on the scientific evidence that I have studied, I strongly agree with Angie. However, in order to compromise with those community members who do not accept that humans are influencing climate change, I would suggest adding the word "may": "...and increased reliance on fossil fuels, which **may** contribute to climate change."

Page 12

Strongly support addition of "reduce fossil fuel consumption"

Page 13

Great addition about the logo. Perhaps the sentence at the top of the next page that explains "2020" should be moved to this paragraph about the logo. (Many have thought 2020 referred to when this Comp Plan would end, like the current Comp Plan that gives an end date of 2010.)

Page 14

New par. at top: "...and evaluated proposing consultants' submissions" is awkward.

Suggest: "...and evaluated all proposals submitted."

Page 16

Top: I like the new wording!

Page 20 and Page 38

I still do not think climate or trail systems are natural resources (and I think climate has been taken into consideration by suggested changes on earlier pages)